

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

BERETTA HOFF,

No. C 07-00126 SI

Plaintiff,

**ORDER GRANTING DEFENDANTS'  
UNOPPOSED MOTION FOR SUMMARY  
JUDGMENT**

v.

AT&T-PBIS, et al.,

Defendants.

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On February 8, 2008, the Court heard oral argument on defendants' motion for summary judgment. Having considered the arguments of counsel and the papers submitted, the Court hereby GRANTS defendants' motion.

Plaintiff filed suit against defendants, her employers, on January 9, 2007. Plaintiff's complaint alleges that defendants denied her reasonable accommodations in violation of the Americans with Disabilities Act ("ADA"). On September 14, 2007, defendants filed a motion for summary judgment on a number of grounds, including plaintiff's failure to exhaust her administrative remedies prior to the filing of her lawsuit. Despite two opportunities to do so, plaintiff failed to respond to defendants' motion. At oral argument, plaintiff's attorney conceded that administrative exhaustion was required before plaintiff could file suit, and that plaintiff had not exhausted her administrative remedies.

The Court agrees with the parties that as with a claim brought under Title VII, an employee filing a lawsuit against her employer under the ADA must first obtain a right-to-sue letter from the Equal Employment Opportunity Commission ("EEOC"). *See Josephs v. Pacific Bell*, 443 F.3d 1050, 1061 (9th Cir. 2006); *Baker v. Res-Care Inc.*, 2005 WL 1500847, \*3 (N.D. Cal. June 24, 2005); 42 U.S.C. § 12117(a); 42 U.S.C. § 2000e-5e. Therefore, because plaintiff has conceded that she never exhausted

1 her administrative remedies with the EEOC, the Court GRANTS defendants' motion to dismiss her  
2 complaint in its entirety.

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4 **IT IS SO ORDERED.**

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6 Dated: February 11, 2008

  
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SUSAN ILLSTON  
United States District Judge